

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RICKKE LEON GREEN,)
Petitioner,)
v.) Case No. CIV-05-1290-L
JOHN W. WHETSEL, Sheriff, and)
THE OKLAHOMA COURT OF)
CRIMINAL APPEALS,)
Respondents.)

ORDER

This matter is before the court for review of the January 9, 2006 Report and Recommendation entered by United States Magistrate Judge Robert E. Bacharach wherein he recommends that the court grant the respondent's dismissal motion and dismiss this action without prejudice to refiling.

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limits allowed. Accordingly, upon *de novo* review, the court finds that the Report and Recommendation should be and is hereby adopted in its entirety. The respondent's Motion to Dismiss is **granted**. This action is **DISMISSED WITHOUT PREJUDICE to refiling**.

It is so ordered this 2nd day of February, 2006.


TIM LEONARD
United States District Judge